

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE ROYCE WILLIAMS,
Plaintiff,
v.
F. BRANT, *et al.*,
Defendants.

Case No. 2:22-cv-01293-JDP (PC)

ORDER GRANTING PLAINTIFF'S
SECOND APPLICATION TO PROCEED
IN *FORMA PAUPERIS* AND DENYING
HIS FIRST AND HIS MOTION FOR
EXTENSION OF TIME AS MOOT

ECF Nos. 5, 6, & 7

SCREENING ORDER THAT PLAINTIFF:

(1) STAND BY HIS COMPLAINT
SUBJECT TO A
RECOMMENDATION OF
DISMISSAL OF CLAIMS OR
PARTIES, OR

(2) FILE AN AMENDED
COMPLAINT

ECF No. 1

THIRTY-DAY DEADLINE

Plaintiff, a state prisoner, brings this claim against several defendants employed at Mule Creek State Prison. ECF No. 1 at 2. I have screened the complaint and determined that the complaint contains multiple, unrelated claims against more than one defendant. I will grant

1 plaintiff an opportunity to amend and to narrow his/her¹ claims before recommending dismissal
 2 of claims or parties. Additionally, I will grant his/her second application to proceed *in forma*
 3 *pauperis*, ECF No. 6, and deny as moot the first and the motion for extension of time to file an
 4 application, ECF Nos. 5 & 9.

5 Screening Order

6 I. Screening and Pleading Requirements

7 A federal court must screen a prisoner's complaint that seeks relief against a governmental
 8 entity, officer, or employee. *See* 28 U.S.C. § 1915A(a). The court must identify any cognizable
 9 claims and dismiss any portion of the complaint that is frivolous or malicious, fails to state a
 10 claim upon which relief may be granted, or seeks monetary relief from a defendant who is
 11 immune from such relief. *See* 28 U.S.C. §§ 1915A(b)(1), (2).

12 A complaint must contain a short and plain statement that plaintiff is entitled to relief,
 13 Fed. R. Civ. P. 8(a)(2), and provide "enough facts to state a claim to relief that is plausible on its
 14 face," *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not
 15 require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S.
 16 662, 678 (2009). If the allegations "do not permit the court to infer more than the mere
 17 possibility of misconduct," the complaint states no claim. *Id.* at 679. The complaint need not
 18 identify "a precise legal theory." *Kobold v. Good Samaritan Reg'l Med. Ctr.*, 832 F.3d 1024,
 19 1038 (9th Cir. 2016). Instead, what plaintiff must state is a "claim"—a set of "allegations that
 20 give rise to an enforceable right to relief." *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264
 21 n.2 (9th Cir. 2006) (en banc) (citations omitted).

22 The court must construe a pro se litigant's complaint liberally. *See Haines v. Kerner*, 404
 23 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint "if it
 24 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which
 25 would entitle him to relief." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).

26
 27
 28 ¹ Plaintiff alleges that he/she is gender fluid, and this is the pronoun convention used in
 the complaint. ECF No. 1 at 4.

1 However, “a liberal interpretation of a civil rights complaint may not supply essential elements
 2 of the claim that were not initially pled.” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251,
 3 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

4 **II. Analysis**

5 Plaintiff raises at least two unrelated claims against multiple defendants. First, he/she
 6 alleges that, in 2020, defendants Bryant and Chili failed to protect him/her from an assault by
 7 other inmates. ECF No. 1 at 5-6. Second, he/she alleges that, in 2022, several defendants,
 8 including Byrd, failed to adequately address his/her safety concerns. *Id.* at 11. These claims,
 9 proceeding against different defendants and separated by significant time, are factually distinct
 10 and cannot proceed together. Multiple, unrelated claims against more than one defendant belong
 11 in separate lawsuits. See Fed. R. Civ. P. 18(a); *George v. Smith*, 507 F.3d 605, 607 (7th Cir.
 12 2007) (“Thus multiple claims against a single party are fine, but Claim A against Defendant 1
 13 should not be joined with unrelated Claim B against Defendant 2.”).

14 Plaintiff may amend his/her complaint to include only related claims. If plaintiff decides
 15 to file an amended complaint, the amended complaint will supersede the current complaint. *See*
 16 *Lacey v. Maricopa County*, 693 F. 3d 896, 907 n.1 (9th Cir. 2012) (en banc). This means that the
 17 amended complaint will need to be complete on its face without reference to the prior pleading.
 18 *See* E.D. Cal. Local Rule 220. Once an amended complaint is filed, the current complaint no
 19 longer serves any function. Therefore, in an amended complaint, as in an original complaint,
 20 plaintiff will need to assert each claim and allege each defendant’s involvement in sufficient
 21 detail. The amended complaint should be titled “Amended Complaint” and refer to the
 22 appropriate case number. If plaintiff does not file an amended complaint, I will recommend that
 23 claims or parties be dismissed.

24 Accordingly, it is ORDERED that:

- 25 1. Plaintiff’s application to proceed *in forma pauperis*, ECF No. 6, is GRANTED and
 26 his/her first application and motion for extension of time, ECF Nos. 5 & 7, are DENIED as moot.
- 27 2. Within thirty days from the service of this order, plaintiff must either file an Amended
 28

1 Complaint or advise the court he/she wishes to stand by his/her current complaint. If he/she
2 selects the latter option, I will recommend that claims or parties be dismissed.

3 3. Failure to comply with this order may result in the dismissal of this action.

4 4. The Clerk of Court is directed to send plaintiff a complaint form.

5
6 IT IS SO ORDERED.

7
8 Dated: October 4, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE